



## **Minutes of the Meeting of the Board of Selectmen**

Date: January 28, 2019 – Business Meeting  
Time: 6:00 p.m.  
Place: McCourt Social Hall, Memorial Town Hall, Spencer, MA  
Present: Chairman Woodbury, Vice Chair Hicks, Clerk Berthiaume,  
Member Pepe, Member Monette and Administrator Gregory

Chairman Woodbury called the meeting to order at 6:00 p.m. and led the Pledge of Allegiance

### **Announcement**

#### **Any members that are participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law**

Dr. Hicks announced the Mr. Pepe would be participating remotely in accordance with Regulation 940, CMR 29.10 of the Open Meeting Law. All votes will be taken by roll call.

### **Meeting Minutes**

#### **Vote to approve the Meeting Minutes**

The minutes will be approved at the next meeting.

### **Communications**

Mr. Monette clarified that he is not a member of the Knights of Columbus. He indicated that he was a member at the January 14<sup>th</sup> meeting, but later learned his application was not approved.

### **Citizen Input**

Bob Cerba, Summit St., spoke in favor of Reliable Bud and Wormtown Genetics opening marijuana businesses in Town. Dr. Hicks stated that any marijuana related business is for medical use only; all forms of recreational marijuana is banned in Spencer.

### **New Business**

#### **6:00 pm – Public Hearing Class I Auto License Application of Barnstorm US Corp for a Class I Auto Dealer's License at 389 Main Street**

Chairman Woodbury opened hearing at 6:11 pm and recused himself since he holds a Class II Auto License and turned the meeting over to Vice Chair Hicks.

Doug Cutler from Barnstorm US Corp reported that he is looking to expand the business and is requesting a Class I license for 389 Main Street. Service for vehicles will take place at the Wall Street location and sales only will occur at 389 Main Street. Parking is available for up to forty (40) vehicles.

*A motion to approve a Class I Auto License for Barnstorm US for sale of up to forty (40) vehicles (Monette/Berthiaume) passed with a roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Monette-yes.*

### **Discussion on Implementing a Building Façade Program - Ted Harvey from PVPC**

PVPC representative Ted Harvey reported he has been involved in ongoing discussions with Administrator Gregory regarding a downtown building façade improvement program. There is currently \$40,000 in CDBG program funds available with various options on allocation, including various grants with the business owners. Details will be worked out with Mr. Gregory. PVPC will notify business owners and advertise to ensure the program is well known within the Town. Mr. Gregory pointed out that this is an opportunity for the Economic Development Committee to engage the business owners to partner with the Town.

### **Dog Hearing - Review & Act on the Appeal of the Animal Control Officer's Determination of a Vicious Dog - Pursuant to Article 9A, Section 3 of the General Bylaws**

Animal Control Officer (ACO) Joellen Durgin reported that she was advised that the dog (a Boxer named Tyson) bit Veterinarian Isabelle Poulin in Hudson while she was examining him and was put in quarantine until the owner, Oscar Preciado provided proof of rabies. Dr. Poulin sent a follow-up e-mail indicating that after the incident occurred, Mr. Preciado's mother said the dog was unpredictable and had previously lunged at the owner. A second incident occurred when the dog bit a Fed Ex driver in Newton at Mr. Preciado's work place. Based upon that information, ACO Durgin said she felt the dog needed to be deemed vicious.

Dr. Hicks asked the owner to explain further. Mr. Preciado said he has had Tyson for over three years and has two young children and there has never been an issue with them. The dog has a skin condition which became infected and that is why he bit the Veterinarian. The Fed Ex driver was allowed into the space the dog was kept in without Mr. Preciado's knowledge and the dog became spooked by the driver and that caused him to bite. He is now crated at work at all times and wears a muzzle when around people he doesn't know. He does not believe Tyson is a vicious dog does not want that designation.

Mr. Gregory noted that ACO Durgin determined the dog is vicious, Mr. Preciado appealed that decision and at this time, the Board may affirm, modify, or reverse the designation of the ACO.

ACO Durgin advised that the dog not be handled by anyone under 18 years of age; be muzzled when out in public; have vicious dog signage at home and at work; and be kept in secure fencing when outside in the owners yard.

Mr. Preciado said he has a six foot fence at his home now and keeps the dog secured while at work. Mr. Woodbury indicated he had some reservations about designating the dog vicious, considering he's loose around the children in the home without issue. ACO Durgin is concerned that once a dog bites, it now becomes an option for the dog to bite in the future.

Mr. Monette pointed out ACO Durgin has deemed the dog vicious and the Board needs to protect the public. The owner must take precautions for the dog.

Mr. Pepe noted that additional insurance is required in these circumstances. Mr. Gregory said the local bylaw requires the owner obtain \$100,000 in additional insurance if the Board affirms the ACO's vicious dog designation. Chairman Woodbury said the owner will need to obtain insurance and adhere to other restrictions as outlined in the bylaw and by the ACO.

*A motion to declare the dog Tyson a vicious dog and send a letter to the owner with the restrictions as outlined by the Animal Control Officer (Hicks/Berthiaume) passed with roll call vote: Berthiaume-yes, Hicks-yes, Pepe-yes, Monette-yes, Woodbury-yes.*

Restrictions include:

1. The dog may only be handled by people over 18 years of age
2. The dog must be secured in a fenced in area or crate when outside the home, or at the place of employment
3. The dog must be secured in a locked fenced enclosure when in the yard at home
4. The dog must be muzzled when out in public
5. Vicious dog signage must be placed at the home and at the place of employment where the dog visits
6. Provide the Town Clerk proof that 100,000 in liability insurance coverage has been procured

### **Discussion on Reliable Bud Host Agreement & Events**

Deneb Dollinger, Chris Pagel, Rhiannon Snyder, and Eddie De Luna from Reliable Bud were present with Attorney Amanda Bourell.

Attorney Bourell explained that she represents Reliable Bud Technologies and White Ash Grove. Reliable Bud host events for marketing purposes and for their software application and are focused on education for growers and manufacturers. They do not make or sell anything for the events. Their vendors are held to a high standard. The vendor, Liquid Haze, who was ticketed at the Knights of Columbus event, has been banished from any future event. White Ash Grove is a separate company and is seeking the cultivation license from the State, after the Town's approval of a Host Agreement.

Deneb Dollinger reported that Reliable Bud's goal is to create a safe space for discussion on what the cannabis industry is about and to be completely transparent.

Chairman Woodbury said the concern is that the event at the Fairgrounds was more of a recreational marijuana get-together.

Selectmen Berthiaume questioned the sudden changes in the social media profile and pictures after the incident occurred at the Knights of Columbus. Mr. Pagel said they cancelled planned events after they learned the vendor was pushing boundaries; they removed them and reexamined their security procedures. In terms of social media pictures, they do change frequently.

Mr. Monette said he witnessed marijuana sales from multiple vendors. Mr. Pagel said vendors are allowed to sell CDB flowers.

Mr. Pepe indicated he heard from multiple sources that sales were happening at the Reliable Bud events creating uncertainty that the regulations are being followed. This creates concern over issuing a letter of non-opposition. Ms. Dollinger indicated they plan to limit the quantity to prevent the appearance of a black market.

Ms. Berthiaume pointed out that sales were occurring months ago and questioned how they weren't aware this was happening. Ms. Dollinger said vendors are allowed to provide samples to help them with long term business opportunities. Attorney Bourell said Reliable Bud does not receive any payments from sample sales.

Mr. Monette said they need to follow the guidelines as laid out in the letter from Chief Darrin.

Mr. Gregory needs direction from Board on whether or not to restore negotiations with White Ash Grove (now separated from Reliable Bud). At this time a tentative agreement has been reached.

Mr. Pepe said he doesn't want to hold up negotiations for the Host Agreement. He noted the Fairgrounds property is owned by the Town and asked the Administrator to seek an opinion on whether or not the Board is able to approve Reliable Bud events with that type of use at that location.

The Board agreed to authorize Mr. Gregory to move forward with the Host Agreement negotiations.

### **FY2020 SEBRSD Budget Discussion with Superintendent Haughey and Comptroller Suter**

Superintendent Haughey and Comptroller Suter were present to discuss the preliminary FY2020 SEBRSD budget. Dr. Haughey reported that some items the District has worked on since July include revising the regional agreement, focusing on college and career readiness for students, union negotiations and legal matters. Enrollment is up by fifty-six students. The FY2020 budget request is to maintain class size, curriculum, training, books, chrome books, and supplies. The goal is to restore lost positions across all departments, strengthen the core curriculum and expand vocational offerings. The budget will continue to be revised in the coming weeks and the hope is to have a mutually agreed upon budget by March 18<sup>th</sup>.

Dr. Hicks pointed out the Schools have been underfunded for several years and the Town has many needs and is limited by proposition 2 ½. It is uncertain if the requests as presented can be fulfilled, nevertheless he would like to provide additional funding over what has been provided the past few years.

Comptroller Suter noted the current budget is being funded without the use of the Districts funds, or any Excess and Deficiency funds. At this time the total increase to Spencer amounts to 7.8 % over last year. The minimum required assessment is at \$424,690, which is \$200,000 over the minimum from last year and amounts to a 6.56% increase.

Dr. Haughey noted that he advised the MSBA of the financial difficulties the Towns are experiencing and will reach out to State Representatives with his concerns. He noted that he is not a proponent of Proposition 2 ½ Overrides for the School, separately from the Town. If an Override is necessary, he believes it should be a collaborative effort.

## **Town Administrator's Report**

### **FY2020 Budget Update**

Mr. Gregory reviewed the FY2020 revenue projection. The total new revenue for the Town is \$717,668 and the School District is requesting \$676,688 in new funding over last year, which amounts to 94% of the Town's total. At that rate, the Town would have to eliminate staff, including the new Firefighters, will not increase Town Hall hours, and other items would need to be reduced as well.

Dr. Hicks pointed out that the new minimum local assessment the State requires the Town to pay is \$424, 690 alone.

Mr. Gregory reported that the cost to extend Town Hall hours to full day on Thursdays amounts to \$12,254.

### **Board Liaison Reports**

Mr. Pepe noted that the EDC is planning a presentation to the Board on revitalization efforts,

### **Citizen Input**

None

### **Board Member and Staff Comments**

Dr. Hicks asked the Board to consider purchasing a painting of the David Prouty High School, Town Hall, Library and Massasoit Hotel which was hand painted by Mr. Gaucher. Barbara Gaucher has the original for sale for \$200.00. He would like to give to Mary Madden as the oldest resident and have it passed on to the next oldest resident. The Board may discuss at the next meeting.

The meeting adjourned 9:00 p.m. All were in favor.

Respectfully submitted,

Brenda Savoie  
Executive Assistant

### **Referenced documents:**

Class I Auto Application  
Vicious Dog Determination  
FY2020 Budget Documents